

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Robert Tanner	Team: Team # 5	CCRB Case #: 200902991	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 02/24/2009 5:25 PM	Location of Incident: East 116th Street and Park Avenue	Precinct: 25	18 Mo. SOL 8/24/2010	EO SOL 8/24/2010	
Date/Time CV Reported Wed, 02/25/2009 7:53 PM	CV Reported At: Precinct	How CV Reported: In-person	Date/Time Received at CCRB Wed, 02/25/2009 7:53 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Joshua Faranda	31043	938461	PSA 5
2. SGT Michael Raso	00484	933235	PSA 5

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Pavel Gomez	00417	932158	PSA 5
2. POM Anthony Adorno	26548	936099	PSA 5

Officer(s)	Allegation	Investigator Recommendation
A.SGT Michael Raso	Abuse: SGT Michael Raso supervised the stop of the car in which § 87(2)(b) was an occupant.	
B.POM Joshua Faranda	Abuse: PO Joshua Faranda frisked § 87(2)(b)	
C.POM Joshua Faranda	Abuse: PO Joshua Faranda searched § 87(2)(b)	
D.SGT Michael Raso	Abuse: SGT Michael Raso supervised the search of the car in which § 87(2)(b) was an occupant.	
E.POM Joshua Faranda	Abuse: PO Joshua Faranda threatened to arrest § 87(2)(b)	
§ 87(4-b) § 87(2)(g)		
§ 87(4-b) § 87(2)(g)		

Synopsis

§ 87(2)(b) filed his complaint in person at the 25th Precinct stationhouse on February 25, 2009. On February 24, 2009, § 87(2)(b) was pulled over in his vehicle in the vicinity of East 116th Street and Park Avenue in Manhattan by SGT Michael Raso, PO Joshua Faranda, PO Anthony Adorno, and PO Pavel Gomez. The following allegations resulted from the interaction:

- **Allegation A – Abuse of Authority:** SGT Michael Raso supervised the stop of the car in which § 87(2)(b) was an occupant. § 87(2)(g)
- **Allegation B – Abuse of Authority:** PO Joshua Faranda frisked § 87(2)(b) § 87(2)(g)
- **Allegation C – Abuse of Authority:** PO Joshua Faranda searched § 87(2)(b) § 87(2)(g)
- **Allegation D – Abuse of Authority:** SGT Raso supervised the search of the car in which § 87(2)(b) was an occupant. § 87(2)(g)
- **Allegation E – Abuse of Authority:** PO Joshua Faranda threatened to arrest § 87(2)(b) § 87(2)(g)
- § 87(4-b) § 87(2)(g)

Summary of Complaint

Complainant/Victim: § 87(2)(b)

- § 87(2)(b) a § 87(2)(b)-old black male, is 5'10" tall and weighs 196lbs. He has black hair and brown eyes. § 87(2)(b)

CCRB Testimony

§ 87(2)(b) filed his complaint in person at the 25th Precinct stationhouse on February 25, 2009. He provided a telephone statement on March 3, 2009 (encl. 5A), and was interviewed at the CCRB on March 5, 2009 (encl. 5B-G). He participated in a photographic identification procedure at the CCRB on June 2, 2009 (encl. 5H-Z). § 87(2)(g)

On February 24, 2009, at 5:25 p.m., § 87(2)(b) was driving his girlfriend to her doctor's office located at East 86th Street and Park Avenue in Manhattan. After dropping her off, he continued driving his rental vehicle, a 2008 gold Ford Fusion, northbound on Park Avenue. At East 116th Street, he made a left turn off of Park Avenue and stopped his car at a red light under the train tracks. While driving from the doctor's office to this location he did not stop the vehicle

anywhere and no one approached his vehicle.

After waiting at the light under the train tracks for approximately thirty seconds, a dark blue or black colored van pulled up behind him. § 87(2)(b) looked in his rearview mirror out of habit. The first time he looked, he noticed a 5'9", 200lbs., uniformed, white male officer with black hair driving the van. Although this description pertains to SGT Michael Raso, this officer has been identified via investigation as PO Joshua Faranda. At this point he did not believe the van to be a police vehicle. As he continued to wait at the red light, he looked in his rearview mirror again and noticed that there were multiple men in the van. At this time, the driver of the van was hunched over the steering wheel, looking at § 87(2)(b). This caused him to look back in his rear-view mirror more. At this time he figured that the men in the van must be police officers.

Once the light turned green, § 87(2)(b) pulled out and the van behind him immediately turned on its siren and lights. § 87(2)(b) pulled over to his right, double parking his vehicle. PO Faranda and three other uniformed officers exited the van. PO Faranda and a 5'8", 180lbs., Hispanic male officer with glasses approached the driver's door. This officer has been identified via investigation as PO Anthony Adorno. A 5'10", 195lbs., Hispanic male with short hair, and a uniformed white male approached the front passenger door. These officers have been identified via investigation as PO Pavel Gomez and SGT Michael Raso, respectively. PO Faranda asked § 87(2)(b) "Where are you going?" § 87(2)(b) responded, "What did I do?" PO Faranda said, "Roll all your windows down and get out of the car." § 87(2)(b) found this strange, but he rolled all of the windows down. PO Faranda opened the driver's door and § 87(2)(b) immediately stepped out of the vehicle. As soon as he did so, PO Faranda grabbed his torso, turned him around, and told him to place his hands on the roof of the car. PO Faranda felt around his waistband and squeezed his hooded sweatshirt pockets. PO Faranda then stuck his hands in his hooded sweatshirt pockets, but did not remove any items. He then felt an officer pat his hands over his pants pockets and down his legs. He could not tell which officer did this.

While § 87(2)(b) had his hands on the hood of his car, SGT Raso opened the front passenger door and PO Gomez opened the rear passenger side door. SGT Raso put his body in the car, but § 87(2)(b) couldn't see what SGT Raso did since the roof of the car was in the way. PO Gomez leaned his body in the car, but he did not move entirely into the back seat of the car.

PO Adorno then grabbed § 87(2)(b)'s right wrist and began to bend it behind his back. § 87(2)(b) believed that PO Adorno was going to handcuff him, so he turned his neck to look behind him and said, "Wait a minute. What did I do? Why y'all doing this?" The officers told him to wait and that he would find out later. PO Faranda and PO Adorno both grabbed onto § 87(2)(b) and the two officers were pulling him in different directions. Eventually PO Faranda told PO Adorno that he had § 87(2)(b) and PO Adorno let go.

PO Faranda led § 87(2)(b) to the rear driver's side door. He grabbed § 87(2)(b) by the front of his shirt and § 87(2)(b) held up his hands. PO Faranda told him to calm down and said, "You know what this is about. You been through this before, right?" § 87(2)(b) said, "No. Not like this." PO Faranda said, "You know what to do." § 87(2)(b) was told by PO Faranda to go to the back of the car. PO Faranda walked to the front driver's side door and he pushed a button on the dashboard below and to the left of the steering wheel to unlock the trunk. PO Adorno and PO Gomez stood in front of § 87(2)(b) and he saw SGT Raso stand in front of the trunk with the trunk open. He could see SGT Raso reaching into the trunk, but because the trunk was open, and he was standing towards the front of the car, he couldn't see inside the trunk. At this time, PO Faranda had leaned his body more than halfway into the front driver's seat. Once the officers closed the trunk, PO Faranda, PO Adorno, and PO Gomez moved § 87(2)(b) to the rear of his car where he sat down on the rear bumper. PO Faranda went back and leaned his body into the front driver's seat. § 87(2)(b) could feel the car moving, and he looked back. SGT Raso leaned his body into the front passenger side. He could hear the officers moving around in the vehicle.

Once he was moved to the rear bumper, PO Faranda asked § 87(2)(b) for his driver's license, and he told PO Faranda that it was in his jacket, which was on the back seat of the car.

PO Faranda went back to the vehicle and then returned a short time later and asked again. § 87(2)(b) told him that it was in one of his coat pockets, and PO Faranda returned to the vehicle.

While § 87(2)(b) was seated on the rear bumper of his car, he told the officers that he was a working man and that he had children. The officers said that they get pulled over too, but § 87(2)(b) said that they can just flash their badges and they are let go. He complained that they had searched him and had him there for ten minutes and had not told him what he had done. At that time, PO Faranda came back to him and angrily told him that he had been there for only three minutes. PO Faranda appeared angry and told him to be quiet. PO Faranda and the officers asked him questions, and he asked them if they had just told him to be quiet. This angered the officers and they told him to answer their questions.

PO Faranda returned to the rear of the vehicle with § 87(2)(b)'s rental agreement in his hand. This agreement had been inside of the closed glove compartment. PO Faranda said to him that he wasn't supposed to be driving the car as the rental agreement was in his girlfriend's name. PO Faranda said that he could take § 87(2)(b) down and prosecute him, and that he would be a criminal. He told PO Faranda that both he and his girlfriend were on their car's insurance plan and that the rental was provided by their insurance. PO Faranda said he was wrong and asked, "Want me to lock you up?" § 87(2)(b) said for him to do what he had to do.

PO Faranda told him to get back in his car, and he sat back in the driver's seat. PO Faranda stepped up to the window with the rental agreement and § 87(2)(b)'s wallet in his hand and asked if § 87(2)(b) had anything to say. § 87(2)(b) said he was so mad that he didn't want to say anything to make PO Faranda really want to hurt him. PO Faranda said that § 87(2)(b) needed a hug and had personal problems. § 87(2)(b) asked why he was pulled over and PO Faranda said that there was a report of a narcotics transaction and he and his vehicle fit the descriptions. § 87(2)(b) said that was typical. PO Faranda returned the rental agreement and wallet and told him not to let him catch § 87(2)(b) again.

On June 2, 2009, § 87(2)(b) participated in a photographic identification procedure at the CCRB. § 87(2)(b) was shown sixteen single photographs of white and Hispanic male officers. He was shown photographs of 9 potential subject officers identified from the PSA 5 roll call and 7 filler officers. Photo #2 was of PO Thomas Fabrizi. Photo #4 was of PO Michael Rauch. Photo #6 was of PO Jacob Aaronson. Photo #7 was of PO Jonathan Ringel. Photo #9 was of PO Joshua Faranda. Photo #10 was of PO Anthony Adorno. Photo #12 was of PO Pavel Gomez. Photo #13 was of SGT Sean Linskey. Photo #16 was of SGT Michael Raso. § 87(2)(b) recognized PO Gomez as the officer who told him to relax during the vehicle stop. He also stated that was not sure whether he recognized SGT Raso, PO Faranda, PO Ringel, and two filler officers. § 87(2)(b) did not recognize the other officers.

Results of Investigation

NYPD Statements

Subject Officer: SGT MICHAEL RASO

- *PO Raso, a § 87(2)(b)-old white male, is 5'8" tall, and weighs 185 lbs. He has brown hair and brown eyes.*
- *On the date of the incident, SGT Michael Raso was assigned to the PSA 5 conditions team with PO Joshua Faranda, PO Pavel Gomez, PO Anthony Adorno. They worked in uniform, in an unmarked car, from 2:00 p.m. to 10:57 p.m.*

Memo Book (encl. 6A-C)

SGT Raso made no memo book entries regarding this incident.

CCRB Testimony (encl. 6D-E)

SGT Raso was interviewed at the CCRB on September 29, 2009. On February 24, 2009

at approximately 5:25 p.m., SGT Raso and his team were parked on East 112th Street at the intersection with Park Avenue, facing east. SGT Raso was in the front passenger seat and PO Faranda was the driver. PO Adorno and PO Gomez were seated in the back. SGT Raso observed an individual in a car parked on the right side of the street, facing north on Park Avenue, approximately one block north of 112th Street. This individual has been identified via investigation as § 87(2)(b).

An unidentified individual approached § 87(2)(b)'s vehicle on foot from the passenger-side and appeared to be looking around. SGT Raso stated that he could see this unidentified through the back window of § 87(2)(b)'s vehicle. The unidentified individual walked up to § 87(2)(b)'s vehicle and reached into the car, in what appeared to SGT Raso to be a hand-to-hand drug transaction with § 87(2)(b). SGT Raso was not able to see any object being exchanged, but he saw § 87(2)(b) and the unidentified individual touching hands. The individual did not talk with § 87(2)(b) for more than a second. The unidentified individual looked up and saw the officers, and quickly walked off toward the Taft Housing Development. SGT Raso noted that this is an area where a lot of drug sales occur, and this was what a drug transaction tends to look like.

§ 87(2)(b) drove north on Park Avenue. SGT Raso instructed PO Faranda to follow the car and told him that he thought he had observed a drug transaction. SGT Raso and his unit made a left onto Park Avenue and followed in their vehicle. It took a few blocks to catch up to § 87(2)(b) due to traffic. They stopped § 87(2)(b)'s vehicle at the intersection of East 116th Street and Park Avenue as it was turning onto East 116th Street. § 87(2)(b) was responsive, and pulled over when directed. PO Faranda approached the driver's side door. SGT Raso approached the passenger side of the car, with PO Gomez and PO Adorno behind him.

PO Faranda asked § 87(2)(b) to step out of the car. SGT Raso could not recall whether any conversation occurred before this order was given. § 87(2)(b) was angry and yelling, but SGT Raso could not recall what § 87(2)(b) had been saying. PO Faranda quickly frisked him. PO Faranda later explained to SGT Raso that he had been concerned by § 87(2)(b)'s angry behavior and was checking for weapons. At no time did PO Faranda put his hands into § 87(2)(b)'s pockets.

The officers asked § 87(2)(b) to walk to the back of the car. At this point, § 87(2)(b) and all officers stood at the rear of the car. They asked § 87(2)(b) where he was coming from. He explained that he'd stopped to get something from a friend. SGT Raso did not remember the item that § 87(2)(b) claimed to be picking up. The officers were satisfied with his explanation and they explained to him that they had stopped him because they thought he had exchanged drugs with someone. SGT Raso apologized to § 87(2)(b) and directed PO Adorno to fill out a stop and frisk report. § 87(2)(b) was allowed to leave. At no time did any of the officers reach into the vehicles or open any doors. The trunk was never opened, and the officers never threatened to arrest § 87(2)(b).

Witness Officer: PO PAVEL GOMEZ

- *PO Gomez, a § 87(2)(b)-old Hispanic male, is 6'0" tall, and weighs 190 lbs. He has black hair and brown eyes.*
- *On the date of the incident, PO Pavel Gomez was assigned to the PSA 5 conditions team with SGT Michael Raso, PO Anthony Adorno, PO Joshua Faranda. They worked in uniform, in an unmarked car, from 2:00 p.m. to 10:35 p.m.*

Memo Book (encl. 7A-D)

PO Gomez noted in his memo book that at 5:39 p.m., he performed a car stop at East 112th Street and Park Avenue because the driver was suspected of criminal sale of a controlled substance. One stop and frisk report was prepared by PO Adorno at 5:44 p.m.

CCRB Testimony (encl. 7E-F)

PO Pavel Gomez was interviewed at the CCRB on June 24, 2009. On February 24, 2009 at approximately 5:39 p.m., PO Gomez was seated in the back of his unit's unmarked van with PO Adorno. PO Faranda was driving and SGT Raso was seated in the front passenger seat. PO Gomez also observed what he believed to be a narcotics transaction. He saw a car stopped on East 112th by the intersection with Park Avenue. The driver of the vehicle has been identified via investigation as § 87(2)(b) § 87(2)(b)'s vehicle was stopped approximately fifteen feet, directly ahead of the officers' vehicle, which was also on East 112th Street. An unidentified individual on the street, who PO Gomez could not describe, approached § 87(2)(b)'s car. § 87(2)(b) § 87(2)(b) reached his hand out of the vehicle and PO Gomez observed § 87(2)(b) and the unidentified male shake hands. Prior to the handshake, the unidentified male had a small white object in one of his hands. PO Gomez stated that he did not know what the object was and that it looked like a piece of paper. After the men shook hands, the unidentified male did not have the white object in his hand anymore. PO Gomez did not recall whether § 87(2)(b) passed anything to the unidentified male. This appeared to PO Gomez to be a hand to hand drug transaction. The unidentified male walked away from § 87(2)(b)'s vehicle.

The traffic light in front of § 87(2)(b) turned green and § 87(2)(b) turned northbound onto Park Avenue. SGT Raso advised the team that they should follow the driver. They turned the lights on and hoped to stop the vehicle at the intersection of East 112th and Park Avenue. It continued until it stopped on East 116th Street between Park Avenue and Madison Avenue.

SGT Raso approached the passenger side. PO Gomez and PO Adorno waited at the rear of the vehicle while the driver was questioned. PO Faranda spoke to § 87(2)(b) and something in their conversation, he could not recall what, made PO Faranda feel it necessary to order § 87(2)(b) § 87(2)(b) to exit the vehicle. PO Faranda took § 87(2)(b) to the back to the vehicle. He did not recall whether PO Faranda made § 87(2)(b) put his hands up on the side of the vehicle. At this point in the incident all four officers and § 87(2)(b) were at the rear of the car.

PO Faranda frisked § 87(2)(b) because § 87(2)(b) appeared nervous and PO Faranda wanted to make sure that § 87(2)(b) had no contraband on his person. PO Faranda frisked § 87(2)(b) § 87(2)(b)'s whole body. PO Gomez denied that § 87(2)(b) was frisked. PO Faranda was speaking to § 87(2)(b) at this point, but PO Gomez could not recall what was said. He did not recall any officer asking § 87(2)(b) about the alleged hand to hand transaction. He did not recall if anything about § 87(2)(b) suggested he had a weapon.

Once § 87(2)(b) was frisked and answered the officer's questions, he was allowed to return to his vehicle. § 87(2)(b) remained upset throughout the entire incident and questioned the officers' reasons for stopping his vehicle.

Subject Officer: PO JOSHUA FARANDA

- *PO Joshua Faranda, a § 87(2)(b)-old white male, is 5'8" tall, and weighs 162 lbs. He has brown hair and brown eyes.*
- *On the date of the incident, PO Joshua Faranda was assigned to the PSA 5 conditions team with SGT Michael Raso, PO Pavel Gomez, PO Anthony Adorno. They worked in uniform, in an unmarked car, from 2:00 p.m. to 10:35 p.m.*

Memo Book (encl. 8A-D)

PO Faranda noted in his memo book that at 5:39 p.m., PO Faranda performed a car stop at East 112th Street and Park Avenue in Manhattan. At 5:44 p.m., PO Adorno completed a stop and frisk report.

CCRB Testimony (encl. 8E-F)

PO Faranda was interviewed at the CCRB on June 24, 2009. § 87(2)(g)

PO Faranda did not witness the drug transaction observed by SGT Raso and PO Gomez. He was alerted to the presence of § 87(2)(b)'s vehicle in the vicinity of East 112th Street and Park Avenue by SGT Raso. SGT Raso told the officers that an unidentified individual in the street had reached into § 87(2)(b)'s vehicle, there was some sort of exchange, and the unidentified individual walked away and § 87(2)(b) drove off. PO Faranda followed § 87(2)(b)'s vehicle and it took a few blocks before PO Faranda caught up to it and turned his lights on to pull the vehicle over.

PO Faranda approached the driver's side door, SGT Raso approached the passenger's side door, the PO Gomez and PO Adorno approached behind them, but he could not recall exactly where they positioned themselves. When PO Faranda asked § 87(2)(b) what he was doing, § 87(2)(b) became defensive and started to use profanity PO Faranda could not recall. Although PO Faranda initially did not mention it, he later stated that § 87(2)(b) appeared nervous and twisted his body and moved his hands a lot while speaking with PO Faranda. PO Faranda asked § 87(2)(b) to exit the vehicle and he did. § 87(2)(b) remained combative, and repeatedly stated that the officers had no reason to stop him. PO Faranda walked him to the back of the car to avoid passing cars, and frisked him. PO Faranda was uncertain but believed SGT Raso followed him to the rear of the car. PO Faranda performed the frisk because § 87(2)(b) was verbally combative and made furtive movements by twisting his body and moving his hands around a lot while talking inside of the car. PO Faranda stated that when § 87(2)(b) exited the vehicle there was nothing that specifically indicated that he had a weapon on his person. PO Faranda noted that he performed the frisk for his safety and the safety of others. He was not ordered to do so. He did not feel anything on § 87(2)(b) and did not enter his pockets.

§ 87(2)(b) was angry throughout the entire incident but he was able to answer the officer's questions efficiently. He could not recall the § 87(2)(b)'s specific answers to their questions, but he satisfied them that no crime had been committed. § 87(2)(b) was then allowed to return to his vehicle.

Witness Officer: PO ANTHONY ADORNO

- *PO Adorno, a § 87(2)(b)-old Hispanic male, is 5'5" tall, and weighs 160 lbs. He has black hair and brown eyes.*
- *On the date of the incident, PO Anthony Adorno was assigned to the PSA 5 conditions team with SGT Michael Raso, PO Pavel Gomez, PO Joshua Faranda. They worked in uniform, in an unmarked car, from 2:00 p.m. to 10:35 p.m.*

Memo Book (encl. 9A-C)

PO Adorno noted in his memo book that at 5:39 p.m., he performed a car stop at the corner of East 112th Street and Park Avenue. § 87(2)(b) was suspected of criminal possession and/or sale of a controlled substance. PO Adorno listed § 87(2)(b)'s pedigree and contact information. At 5:44 p.m., he prepared a stop and frisk report.

CCRB Testimony (encl. 9D-E)

PO Adorno was interviewed at the CCRB on July 21, 2009. § 87(2)(g)

PO Adorno confirmed that SGT Raso informed him that he had observed a hand-to-hand drug transaction between a pedestrian and an individual in a vehicle, identified by the investigation as § 87(2)(b). PO Adorno did not witness a transaction, but he did see § 87(2)(b) exchanging words with a pedestrian. PO Adorno noted that this area was the site of many drug sales.

When § 87(2)(b)'s vehicle drove off, SGT Raso directed PO Faranda to follow the car and pull it over. PO Faranda started the car and turned the lights on. PO Adorno did not notice where the pedestrian went after the team set off in pursuit of § 87(2)(b)'s car. He did not notice

§ 87(2)(b) behaving in an unusual way. PO Adorno believes that the car stopped on Park Avenue, at the intersection with East 116th Street.

Once § 87(2)(b) stopped his car, PO Faranda approached the driver's side, while SGT Raso approached from the passenger side. PO Adorno and PO Gomez remained in the rear of the car. PO Adorno described § 87(2)(b) as very combative. He noted that people are usually angry when pulled over by the police, but § 87(2)(b) was "out of control." § 87(2)(b) repeatedly cursed at the officers and asked "Why the hell are you stopping me?"

PO Faranda asked § 87(2)(b) to step out of the vehicle and then frisked him. PO Adorno noted that in his experience, such combative behavior is indicative of a person who is trying to hide something, possibly a weapon. At this time § 87(2)(b) was visible to PO Adorno, who could not see anything that indicated that § 87(2)(b) possessed a weapon. He did not remember whether § 87(2)(b) was frisked by the side of the vehicle or at the rear, but he stated that PO Faranda did not search § 87(2)(b).

Because of § 87(2)(b)'s combative behavior, PO Faranda did not have the chance to explain why they had stopped him before he frisked him. SGT Raso came around to speak with § 87(2)(b). PO Adorno believed that SGT Raso was attempting to calm him down. SGT Raso explained why he had been pulled over, but § 87(2)(b) refused to calm down. SGT Raso requested his pedigree information. § 87(2)(b) was reluctant to cooperate, but he eventually gave SGT Raso his driver's license. PO Adorno made a note of his information. SGT Raso asked what he was doing in the area, and § 87(2)(b) said that he was visiting someone. § 87(2)(b) was then allowed to leave, but he was still angry. PO Adorno filled out a stop and frisk report regarding § 87(2)(b).

NYPD Documents

Stop and Frisk Report Log (encl. 10)

According to the 25th Precinct stop and frisk log for February 24, 2009, PO Anthony Adorno filed no stop and frisk reports. There were no stop and frisk reports filed for § 87(2)(b).

Status of Civil Proceedings (encl. 11F)

- § 87(2)(b) has not filed a Notice of Claim with the City of New York as of January 4, 2010 with regard to the incident.

Civilian Criminal History (encl. 11A-E)

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Civilian CCRB History (encl. 2D)

- § 87(2)(b) has filed the following CCRB complaints:

- § 87(2)(b)

Subject Officers CCRB History (encl. 2A-C)

- PO Joshua Faranda has been a member of the service for four years and there are no substantiated CCRB allegations against him.
- SGT Michael Raso has been a member of the service for six years and there are two substantiated CCRB allegations against him.
 - In case 200801117, allegations that SGT Raso improperly stopped an individual and pointed his gun at him were substantiated. He was issued instructions by the

NYPD.

Conclusion

Identification of Subject Officer

- SGT Michael Raso and PO Joshua Faranda confirmed their involvement in the incident. Although § 87(2)(b)'s description of the officer who frisked him matched the appearance of SGT Raso, PO Faranda admitted to being the officer who frisked § 87(2)(b).

Allegations Not Pleaded

- § 87(2)(g)

Investigative Findings and Recommendations

Allegation A: SGT Michael Raso supervised the stop of the car in which § 87(2)(b) was an occupant.

SGT Raso and PO Pavel Gomez both claimed to have observed § 87(2)(b) interact with an unidentified male in a manner that indicated to them that he has conducted a narcotics transaction. § 87(2)(g)

§ 87(2)(g) Kamins, New York Search & Seizure, p. 5-15, 5-16 (encl. 1A-B). § 87(2)(g)

Allegation B: PO Joshua Faranda frisked § 87(2)(b)

PO Faranda stated that he directed § 87(2)(b) to exit his vehicle and walked with him to the rear bumper. There, he performed a frisk of § 87(2)(b)'s person. PO Faranda stated that he frisked § 87(2)(b) because he had been verbally combative as soon as he was approached by the officers. PO Faranda also claimed that § 87(2)(b) was twisting his body and moving his hands around while speaking to PO Faranda from inside of the car. PO Faranda observed no bulges on § 87(2)(b)'s person. PO Faranda, when directly asked, admitted that once § 87(2)(b) emerged from the vehicle, there was nothing he observed on § 87(2)(b)'s person that indicated he was in possession of a weapon. SGT Raso confirmed that PO Faranda later stated that he had frisked § 87(2)(b) because § 87(2)(b) had been angry and verbally combative. None of the other members of the unit observed any bulges on § 87(2)(b)'s person or observed him reaching for anything inside of the car. For an officer to conduct a frisk of a vehicle's driver, the officers must possess a reasonable suspicion that the driver is in possession of a weapon. Kamins, p. 5-67 (encl. 1C). § 87(2)(g)

§ 87(2)(g)

Allegation C: PO Joshua Faranda searched § 87(2)(b)

Allegation D: SGT Raso supervised the search of the car in which § 87(2)(b) was
occupant.

Allegation E: PO Joshua Faranda threatened to arrest § 87(2)(b)

§ 87(2)(g)

§ 87(4-b) § 87(2)(g)

$$\vdots$$

Investigator: _____

Signature _____ Print _____ Date _____

Supervisor: _____

Title/Signature	Print	Date

Reviewer: _____

Title/Signature	Print	Date
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Reviewer: _____
 Title/Signature Print Date